

### **Remarks/Arguments**

The Examiner is thanked for the careful review of this Application. Claims 1-20 are pending after entry of the present Request for Reconsideration.

#### **Rejections under 35 U.S.C. § 102:**

The Office has rejected claims 1, 3-5, 12, 15, 17, and 18 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,896,131 to Alexander.

Alexander focuses on a graphical display system in which a background graphical image is partially visible within a foreground window. Alexander uses two separate memories (i.e., the DRAM as the memory showing each pixel in the display and the VRAM as the memory containing data specifying a color for each pixel) for the GUI and the background graphical image. A specific color (such as the dark gray color) allows a video controller chip to switch between the two memories for each pixel. The GUI can be an opaque, transparent, or translucent GUI. In such scenario, a rectangular pixel area is defined within the DRAM using the dark gray color that is not displayed. Instead, display data for the rectangular pixel area marked with dark gray comes from the VRAM (e.g., the waveform images from the signal processing). GUIs are formed in the rectangular pixel area over the waveform images. In this manner, when the GUI is opaque, the part of the waveform image behind the GUI is obscured. To have the background graphical image shown partially in parts of the GUI using either translucent or transparent GUIs, such areas are written in DRAM with a checkerboard part using alternating pixels in dark gray color and another color such as light gray. The dark gray color pixels are actually replaced by data coming from VRAM (i.e., the background graphical image) while the light gray color pixels remain the same.

It is respectfully submitted that Alexander fails to disclose each and every element of the claimed invention, as defined in independent claims 1, 8, and 15, for at least the following reasons. First, in contrast to the claimed invention wherein the dialog box boundary is drawn using a reserved color and the background of the GUI is drawn using a background color, Alexander does not disclose GUIs with boundaries or GUIs which boundaries are drawn using different colors than the background colors. Rather, when the GUI is opaque, the boundary (if any) and the background are the same color, and when the GUI is translucent or transparent, the GUI has checkerboard part with alternating pixels being either light gray (which remains the same color) or dark gray (which is ultimately replaced by the color stored in the VRAM). As shown in Figure 3A, such checkerboard part, constitutes both, the background and the boundary (if any) of the GUI. The checkerboard

part cannot be the GUI boundary because some pixels in the checkerboard part are drawn in a reserved color (the light gray color pixels) and remain the same color, and some pixels in the alleged boundary (the dark gray color pixels) are replaced by the background graphical image. This, however, is contrary to the claimed invention wherein the boundary is drawn in a reserved color which color is not changed.

Second, it is respectfully submitted that Alexander does not disclose using a reserved color, as defined in the claimed invention. Rather, Alexander uses a dark gray color to trigger the switching of the multiplexer to show the background graphical image on the display. This is not a reserved color, as defined by the claimed invention. In the same manner, Alexander does not disclose that the light gray color is a color reserved by the operating system to be used only by the operating system, as defined in the claimed invention. In fact, Alexander does not discuss reserved colors. Nor does Alexander recognize reserved colors as colors having been set aside by the operating system for use by the operating system only.

Accordingly, independent claims 1, 8, and 15, are submitted to be patentable under 35 U.S.C. § 102(b) over Alexander. Claims 3-5, 12, and 17-18, each of which ultimately depends from independent claims 1, 8, and 15, respectively, are likewise submitted to be patentable under 35 U.S.C. § 102(b) over Alexander for at least the same reasons set forth above regarding the applicable claim.

**Rejections under 35 U.S.C. § 103:**

The Office has rejected claims 2, 6-14, 16, 19, and 20 under U.S.C. 103(a), as being unpatentable over Alexander. The Applicants respectfully traverse these rejections.

It is submitted that Alexander does not suggest or teach using reserved colors or separating of the background of the GUI from the displayed background using reserved colors. Rather, Alexander is silent as to using reserved colors. Nor does Alexander teach or suggest that the light gray or the dark gray colors are colors reserved by the operating system. In the same manner, Alexander fails to teach or suggest using GUIs with boundaries or GUIs wherein two separate colors are used for the background of the GUI and the boundary of GUI. The Applicants respectfully submit that without using the claimed invention as a blue print, one of ordinary skill in the art (or the Office) would not have been able to use the checkerboard part of Alexander that includes both dark gray color and light gray color pixels to draw a boundary in reserved colors, as defined in the claimed invention.

Particularly, the checkerboard part cannot be the GUI boundary because the light gray color and the dark gray color pixels are not both reserved colors ( in contrast to the

Office's suggestion in pages 5 and 9 of the Office action) as both dark gray color and light gray color pixels do not remain the same color. While the light gray color pixels remain the same color, the dark gray color pixels are taught to be replaced by the background graphical image so that the background graphical image can be partially visible through the GUI. That is, some pixels defined in the boundary change color from the dark gray to the background graphic image. In fact, the dark gray color is never displayed. However, in the claimed invention, the boundary is drawn using a reserved color which is displayed and remains the same color. Accordingly, the checkerboard part having light gray and dark gray pixels cannot be the boundary of the GUI, as defined in the claimed invention.

Additionally, it must be noted that the dark gray color and light gray color pixels have to be used in the checkerboard part of Alexander so that the background graphical image can be partially visible through the GUI. As such, Alexander cannot be modified so as to include only the light gray color in the checkerboard part.

Furthermore, as stated previously, Alexander uses the dark gray as a switch for the multiplexer to switch between the two memories. That is, Alexander does not teach or suggest using the dark gray color to differentiate the GUI from the background color. Accordingly, the 103(a) rejection of claims should be withdrawn.

The Applicants respectfully request examination on the merits of the subject application, and respectfully submit that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900, ext. 6913. If any additional fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP009). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,

MARTINE & PENILLA, LLP



Fariba Yadegar-Bandari, Esq.  
Registration No.53,805,

MARTINE & PENILLA, LLP  
710 Lakeway Drive, Suite 170  
Sunnyvale, CA 94086  
Telephone: (408) 749-6900  
Facsimile: (408) 749-6901